

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LAVELLE HARKNESS,

Plaintiff,

v.

RAYMOND SOBINA,

Defendant.

Civil Action No. 09-29 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on February 11, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 40], filed on December 8, 2009, recommended that Defendants Ferdarko, Burks, Jammie and Skunda be dismissed due to the Plaintiff's failure to prosecute the case against them. Plaintiff was allowed ten (10) days from the date of service to file objections and service was made on Plaintiff by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 26th day of January, 2010;

IT IS HEREBY ORDERED that Defendants Ferdarko, Burks, Jammie and Skunda are DISMISSED from the case for the Plaintiff's failure to prosecute the case against them.

The Report and Recommendation [Doc. No. 40] of Magistrate Judge Baxter, filed on December 8, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge